

FOR THE NORTHERN DISTRICT OF CALIFORNIA

No. C 08-02337 CW (PR)

ORDER TO SHOW CAUSE

ROBERT HOREL, Warden,
Respondent.

1. The Clerk of the Court shall serve a copy of this Order and the petition and all attachments thereto upon Respondent and Respondent's attorney, the Attorney General of the State of California. The Clerk shall also serve a copy of this Order on Petitioner at his current address.

2. Respondent shall file with this Court and serve upon Petitioner, within one-hundred twenty (120) days of the issuance of this Order, an Answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be issued. Respondent shall file with the

1 Answer a copy of all portions of the relevant state records that
2 have been transcribed previously and that are relevant to a
3 determination of the issues presented by the petition.

4 3. If Petitioner wishes to respond to the Answer, he shall
5 do so by filing a Traverse with the Court and serving it on
6 Respondent within sixty (60) days of his receipt of the Answer.
7 Should Petitioner fail to do so, the petition will be deemed
8 submitted and ready for decision sixty (60) days after the date
9 Petitioner is served with Respondent's Answer.

10 4. Respondent may file a motion to dismiss on procedural
11 grounds in lieu of an Answer, as set forth in the Advisory
12 Committee Notes to Rule 4 of the Rules Governing Section 2254
13 Cases. If Respondent files such a motion, Petitioner shall file
14 with the Court and serve on Respondent an opposition or statement
15 of non-opposition to the motion within sixty (60) days of receipt
16 of the motion, and Respondent shall file with the Court and serve
17 on Petitioner a reply within fifteen (15) days of receipt of any
18 opposition.

19 5. It is Petitioner's responsibility to prosecute this case.
20 Petitioner must keep the Court and Respondent informed of any
21 change of address and must comply with the Court's orders in a
22 timely fashion. Petitioner must also serve on Respondent's counsel
23 all communications with the Court by mailing a true copy of the
24 document to Respondent's counsel.

25 6. Extensions of time are not favored, though reasonable
26 extensions will be granted. Any motion for an extension of time
27
28

1 must be filed no later than ten (10) days prior to the deadline
2 sought to be extended.

3 IT IS SO ORDERED.

4 Dated: 10/20/08



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

MILTON LEWIS JR,
Plaintiff,

Case Number: CV08-02337 CW

v.

CERTIFICATE OF SERVICE

ROBERT HOREL et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 20, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Milton J. Lewis T48953
Pelican Bay State Prison
P.O. Box 7500
Crescent City, CA 95531

Robert Horel, Warden
Pelican Bay State Prison
P.O. Box 7500
Crescent City, CA 95531

Attorney General
State of California
455 Golden Gate Avenue, #11000
San Francisco, CA 94102

Dated: October 20, 2008

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk

United States District Court
For the Northern District of California